

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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RICKEY I. KANTER,

Plaintiff,

v.

Case No. 16-CV-1121

LORETTA ELIZABETH LYNCH,  
Attorney General of the United States,

and

BRAD SCHIMEL, Attorney General of the  
State of Wisconsin,

Defendants.

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**ANSWER**

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Defendant Brad Schimel (Defendant Schimel), by his attorneys, Wisconsin Attorney General Brad D. Schimel and Assistant Attorneys General Shannon A. Buttchen and Christopher J. Blythe, answers the Complaint as follows.

1. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of paragraph 1 and the first clause of the second sentence of paragraph 1. Defendant Schimel denies the allegations of the remaining portion of the second sentence of paragraph 1 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

2. As to paragraph 2, Defendant Schimel admits that Defendant Loretta Lynch is the Attorney General of the United States, and that, as the Attorney General, she is responsible for executing and administering the law and policies of the United States. Defendant Schimel denies the remaining allegations of paragraph 2 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

3. As to paragraph 3, Defendant Schimel admits that he is the Attorney General of the State of Wisconsin, and that he is responsible for executing and administering the laws and policies of the State of Wisconsin. Defendant Schimel denies the remaining allegations of paragraph 3 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

4. Defendant Schimel denies the allegations of paragraph 4 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

5. Defendant Schimel denies the allegations of paragraph 5 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

6. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6.

7. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7.

8. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8.

9. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9.

10. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10.

11. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11.

12. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12.

13. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13.

14. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.

15. Defendant Schimel denies the allegations of paragraph 15 in that they are legal arguments to which no response is required here and about which relevant law is the best authority. Defendant Schimel further affirmatively alleges that the language of the referenced statute speaks for itself.

16. Defendant Schimel denies the allegations of paragraph 16 in that they are legal arguments to which no response is required here and about which relevant law is the best authority. Defendant Schimel further affirmatively alleges that the language of the referenced statute speaks for itself.

17. Defendant Schimel denies the allegations of paragraph 17 in that they are legal arguments to which no response is required here and about which relevant law is the best authority. Defendant Schimel further affirmatively alleges that the language of the referenced statute speaks for itself.

18. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18.

19. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19.

20. Defendant Schimel denies the allegations of paragraph 20 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

21. Defendant Schimel incorporates by reference its responses to paragraphs 1-20 as though fully set forth herein.

22. Defendant Schimel is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22.

23. Defendant Schimel denies the allegations of paragraph 23 in that they are legal arguments to which no response is required here and about which relevant law is the best authority.

#### AFFIRMATIVE DEFENSES

1. Defendant Schimel is entitled to Eleventh Amendment immunity.
2. The plaintiff's complaint fails to state a claim upon which relief can be granted.

3. Defendant Schimel reserves all other affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure and any other defenses at law or in equity that may be available now or may become available in the future based on discovery or any other factual investigation in this case.

Dated this 1<sup>st</sup> day of September 2016.

Respectfully submitted,

BRAD D. SCHIMEL  
Wisconsin Attorney General

/s/ Shannon A. Buttchen  
SHANNON A. BUTTCHEN  
Assistant Attorney General  
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/s/ Christopher J. Blythe  
CHRISTOPHER J. BLYTHE  
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